



US Army Corps  
of Engineers®  
San Francisco District

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

Project: Faria Ranch Project, Contra Costa County

NUMBER: 29678S

DATE: June 2, 2006

RESPONSE REQUIRED BY: July 3, 2006

PERMIT MANAGER: Tyson Eckerle

PHONE: 415-977-8462

Email: Tyson.s.Eckerle@spd02.usace.army.mil

## 1. INTRODUCTION:

**Subject:** The U.S. Army Corps of Engineers, San Francisco District, is evaluating a permit application to discharge fill material into 0.23 acre (5,054.68 linear feet) of riverine intermittent streambed and 0.17 acre of palustrine emergent seasonally flooded wetlands, subject to Corps jurisdiction, to facilitate the construction of a 786-unit residential housing development with community facilities within an unincorporated area of Contra Costa County that would be annexed into the City of San Ramon, California. This notice is to inform interested parties of the proposed activity and to solicit comments.

**Authority:** This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

**Applicant:** Mr. Mike Conley  
Claremont Homes, Inc.  
194 Francisco Lane, Suite 202,  
Fremont, CA 94539

**Applicant's Agent:** Terry Huffman, Ph.D.  
The Huffman-Broadway  
Group, Inc.  
828 Mission Avenue  
San Rafael, California 94901  
415.925.2000

## 2. PROPOSED PROJECT:

**Project Site:** The Faria Ranch project (Project),

also referred to as the Faria Preserve project, is on approximately 291 acres within the Faria Ranch property, an unincorporated area of Contra Costa County, contiguously located north and west of the current City of San Ramon boundaries. The 291 acre Project site is east of Bollinger Canyon Road, West of Highway 680, and north of Crow Canyon Road (Figures 1 and 2).

The proposed Project site contains six habitat types according to the California Wildlife Habitat Relationships System: annual grassland (267.5 acres), valley foothill riparian (4.26 acres), and valley foothill hardwood (17.97 acres), with small areas of fresh emergent marsh (0.22 acre), chaparral (0.08 acre), and eucalyptus (1.09 acres) habitat.

The proposed Project site has undergone human disturbance, primarily due to grazing and altered runoff conditions associated with development of unpaved access roads. Surrounding land uses include pastoral communities to the northwest and west and urbanized residential areas to the south, east, and northeast.

**Corps Jurisdiction:** The 291 acre proposed Project site includes 0.49 acre subject to Corps jurisdiction. Corps jurisdictional areas include several small palustrine emergent seasonally flooded wetland areas (total of 0.23 acre) within the grassland community, and riverine intermittent streambed habitat totaling 0.26 acre (5748.68 linear feet) of waters of the U.S. (Figure 4 Sheet 1-6).

**Project Description:** As shown in Figure 3, the applicant proposes to construct a residential housing

development with community facilities within an unincorporated area of Contra Costa County that would be annexed into the City of San Ramon, California. The proposed Project is designed to meet the City's voter approved 2002 General Plan and recently adopted Certified Housing Element of 2004.

Implementation of the proposed Project would provide a combination of open space, trails, community park, educational use, house of worship, and residential uses. The proposed Project would result in a total of 786 residential units on a development footprint encompassing approximately 192 acres (73 acres for residential structures, including a combination of single and multifamily project types). The development plan includes a 13.2 acre community park, a 6.1 acre house of worship site, and 1.6 acres for educational facility (Figure 3). The proposed Project is designed to include approximately 213 units of affordable housing.

**Purpose and Need:** The basic Project purpose is to construct and operate a residential housing development with community facilities.

The overall Project purpose is to construct and operate a residential housing development with community facilities within the City of San Ramon's Urban Growth Boundary that meets the goals and objectives of the City's voter approved 2002 General Plan and recently adopted Certified Housing Element of 2004.

The applicant states that a clear public need exists for the proposed Faria Ranch Project because it would, in part: (1) satisfy the City of San Ramon's need for affordable housing as outlined in the recently adopted Certified Housing Element of 2004; (2) reduce the current housing shortage in San Ramon area; (3) provide needed community facilities, including a community park, a public trail system, an educational facility and a house of worship; and (3) satisfy the City of San Ramon's regional fair share of housing needs over the next several years.

**Impact:** Approximately 3.6 million cubic yards of clean fill material would be excavated from the project site ridgelines and used to fill three ravines within the site development footprint, some of which would be placed within the 0.23 acre (5,054.68 linear feet) of riverine intermittent streambed and 0.17 acre of palustrine emergent seasonally flooded wetlands subject to Corps jurisdiction. The applicant would avoid 0.03 acre (694 linear feet) of riverine intermittent streambed and 0.06 acre of palustrine emergent seasonally flooded wetland (Figure 5). The removal of the ridgelines and filling in of the ravines would provide geotechnical stability for the project development and comply with the City of San Ramon ridgeline development requirements.

**Mitigation:** To compensate for the permanent and temporal loss of functions and value of 0.17 acre of palustrine emergent seasonally flooded wetlands and 0.23 acre of riverine intermittent streambed, the applicant would create 0.83 acre of palustrine emergent seasonally flooded wetlands and/or scrub-shrub wetlands, create 0.19 acre of open water pools and 0.13 acres of riverine intermittent streambed on-site within an 8.9 acre Riparian and Wildlife Corridor (Figure 6). The 8.9 acre Riparian and Wildlife corridor would be set aside as an open space preserve subject to a conservation easement and managed by a third party. In addition to the 8.9 acre Riparian and Wildlife Corridor, a conservation easement would also be placed on an approximately 137 acre area within the remainder parcel of the Faria Ranch property located along both sides of Bollinger Canyon Road adjacent to the Project site.

To compensate for adverse impacts to valley foothill hardwood habitat, the applicant would create 45 acres of valley foothill hardwood habitat within designated mitigation sites at various locations within the property by planting of replacement coast live oak and valley oak trees at an approximate ratio of 2.5 trees planted for each tree removed (Figure 7).

All proposed mitigation plans are subject to review and approval by the Corps.

### 3. COMPLIANCE WITH FEDERAL LAWS:

**National Environmental Policy Act of 1969 (NEPA):** The Corps will prepare an environmental assessment to assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et seq); the Council on Environmental Quality's Regulations, 40 C.F.R. Parts 1500-1508; and Corps' Regulations, 33 C.F.R. Parts 230 and 325 Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities that occur within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

**Endangered Species Act of 1973 (ESA):** Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. The Corps has made a preliminary determination that the proposed project may adversely affect Alameda whipsnake (*Masticophis lateralis euryxanthus*). This determination was based on information regarding habitat requirements of federally listed threatened and endangered species that could occur on the project site and species specific site assessments conducted by Beeman & Associates for the California red-legged frog (*Rana aurora draytonii*) and the California tiger salamander (*Ambystoma californiense*), a habitat assessment for the Alameda whipsnake (*Masticophis lateralis euryxanthus*), conducted in April 2000 by EnviroNet, and systematic botanical surveys conducted by Virginia Dains, botanist, in March, May and June 2003. An additional habitat assessment for Alameda whipsnake was by Swain Biological, Inc. in December of 2005.

In accordance with Section 7(a)(4) of the Endangered Species Act the Corps has initiated a Formal consultation with the USFWS for potential adverse affects to Alameda whipsnake and a Conference for potential impacts to the USFWS proposed Alameda whipsnake critical habitat designation.

**Magnuson-Stevens Fisheries Conservation and Management Act:** NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. The proposed project would not adversely affect EFH.

#### **Clean Water Act of 1972 (CWA):**

**a. Water Quality:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Control Board. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this Public Notice.

**b. Alternatives Analysis:** Evaluation of the proposed Project impact includes application of the guidelines promulgated by the Administrator of the U.S. Environmental Protection Agency under Section

404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under these guidelines and it was determined that the proposed Project is not water or wetland dependent.

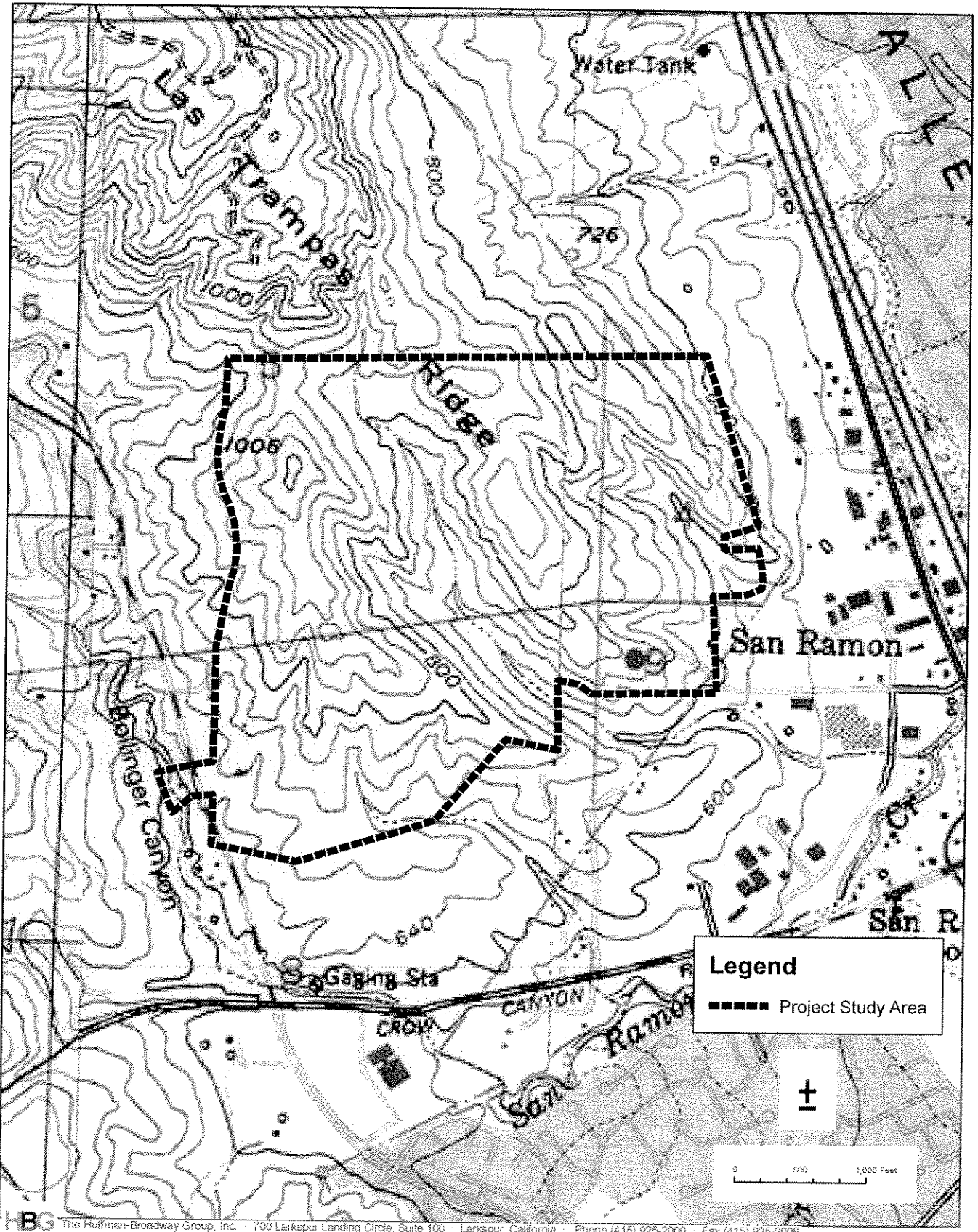
**Coastal Zone Management Act of 1972 (CZMA):** Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project will comply with the State's Coastal Zone Management Program, if applicable. The proposed Project is not within the jurisdiction of the Coastal Zone Management Act.

**National Historic Preservation Act of 1966 (NHPA):** On the basis of a review of survey data on file with various local, state and federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations would be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

**4. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed Project on the public interest. That decision will reflect the national concern for protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed Project must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative impacts. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**5. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, federal, state and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps in determining whether to issue, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

**6. SUBMITTAL OF COMMENTS:** Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the **U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197 with reference to file #29678S.** It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request in writing within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Tyson Eckerle of our office at telephone 415-977-8462 or E-mail: [Tyson.S.Eckerle@usace.army.mil](mailto:Tyson.S.Eckerle@usace.army.mil). Details on any changes of a minor nature that are made in the final permit action will be provided upon request.

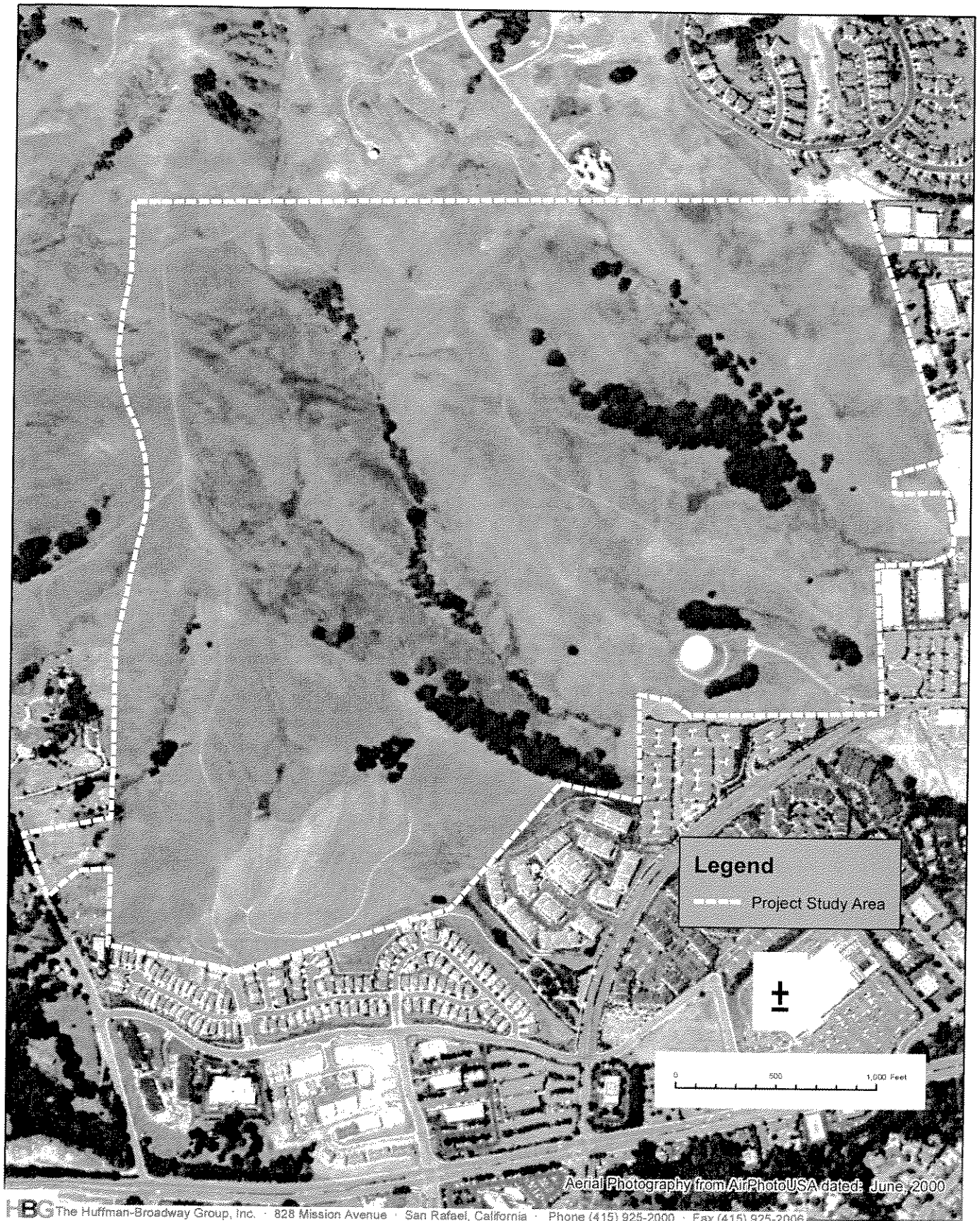


**Figure 1. Location of the Project Study Area, Faria Ranch Project, San Ramon, CA.**

Applicant: Claremont Homes, Inc. Date: 1-15-05  
 Type of Illustration: Plan View

Base Map Source: USGS 7.5 min quadrangles for Las Trampas Ridge (1993), and Diablo (1953, photorevised 1980)

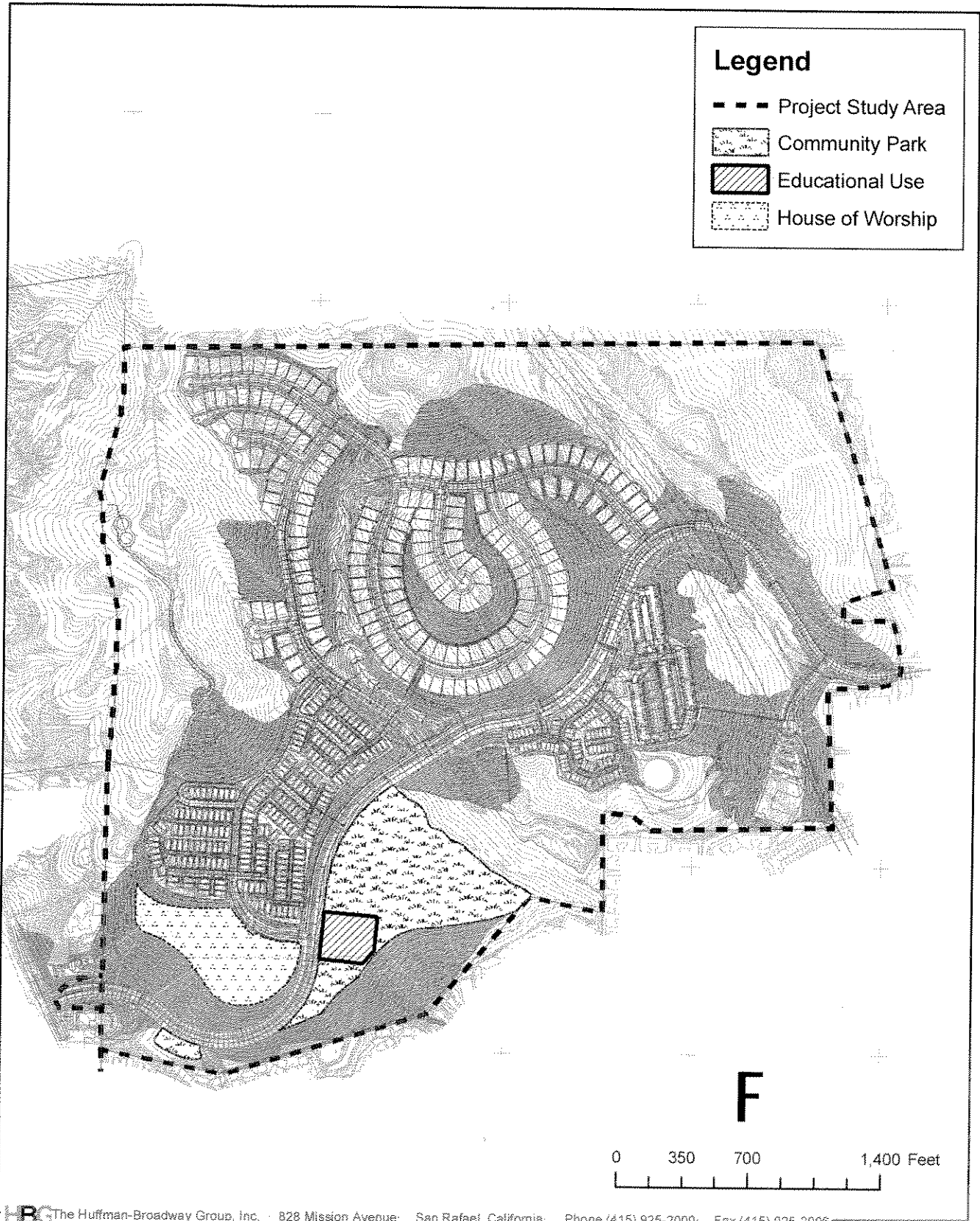




**Figure 2. Aerial photograph of the Project Study Area,  
Faria Ranch Project, San Ramon, CA.**

Applicant: Claremont Homes, Inc.  
Type of Illustration: Plan View

Date: 11-15-05



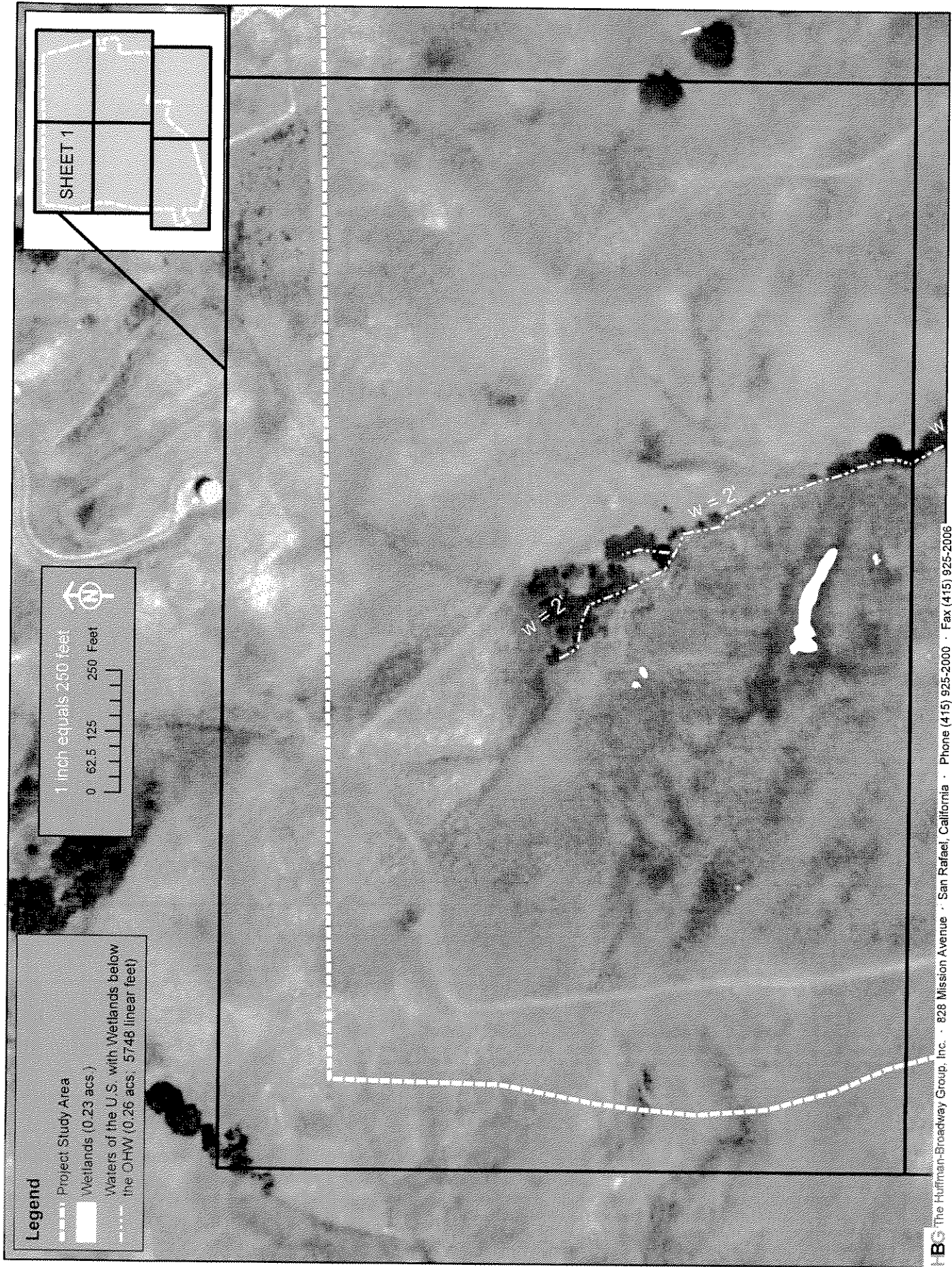
**Figure 3. Proposed Project Land Use**

**Faria Ranch Project, San Ramon, CA.**

Applicant: Claremont Homes, Inc.  
Type of Illustration: Plan View

Date: 11-15-05

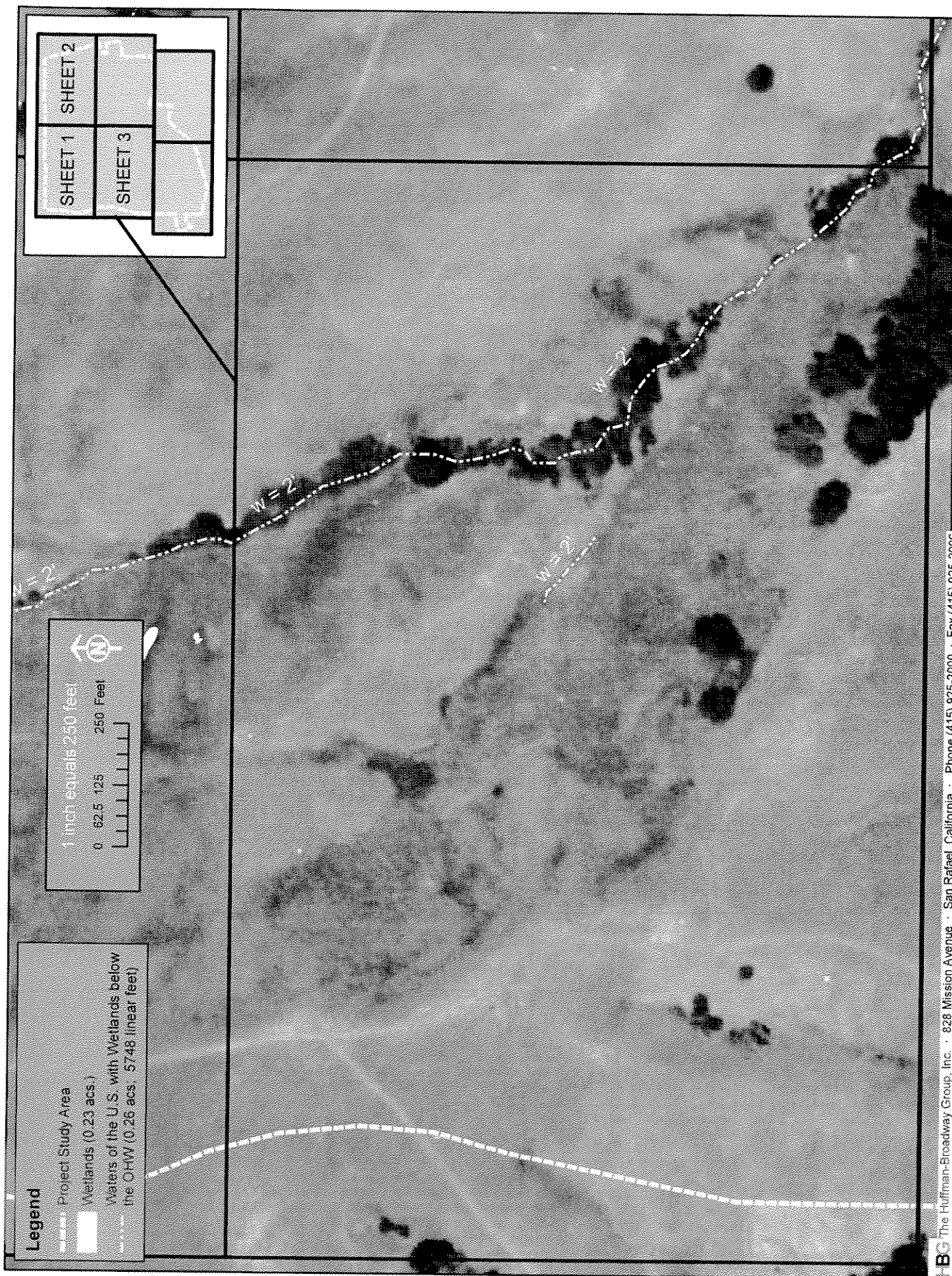
















HBG The Huffman-Broadway Group, Inc. · 828 Mission Avenue · San Rafael, California · Phone (415) 925-2000 · Fax (415) 925-2006

**Figure 4. Wetlands and Water of the U.S. Subject to Section 404 of the C.W.A.**  
Faria Ranch Project, San Ramon, CA.

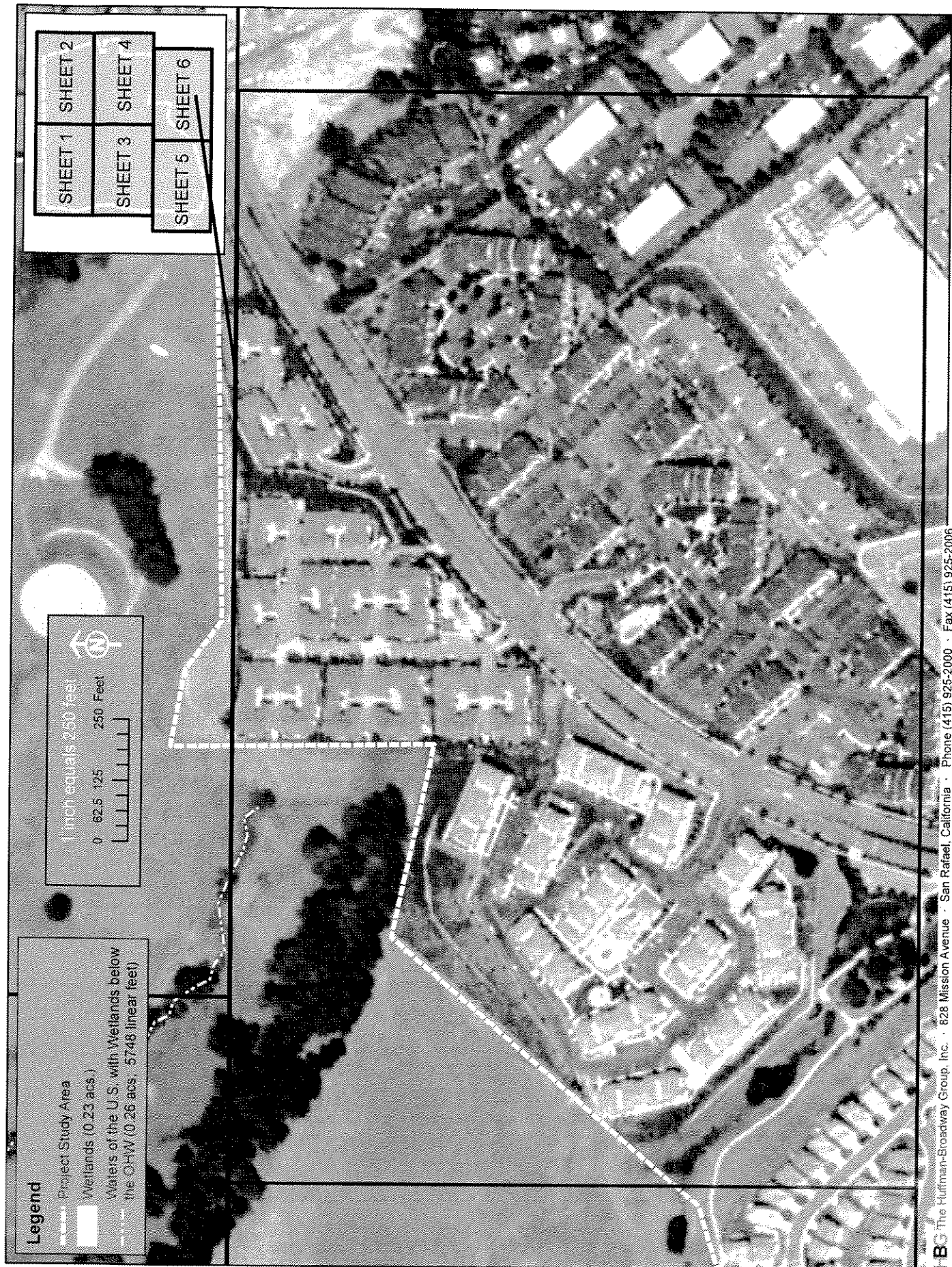




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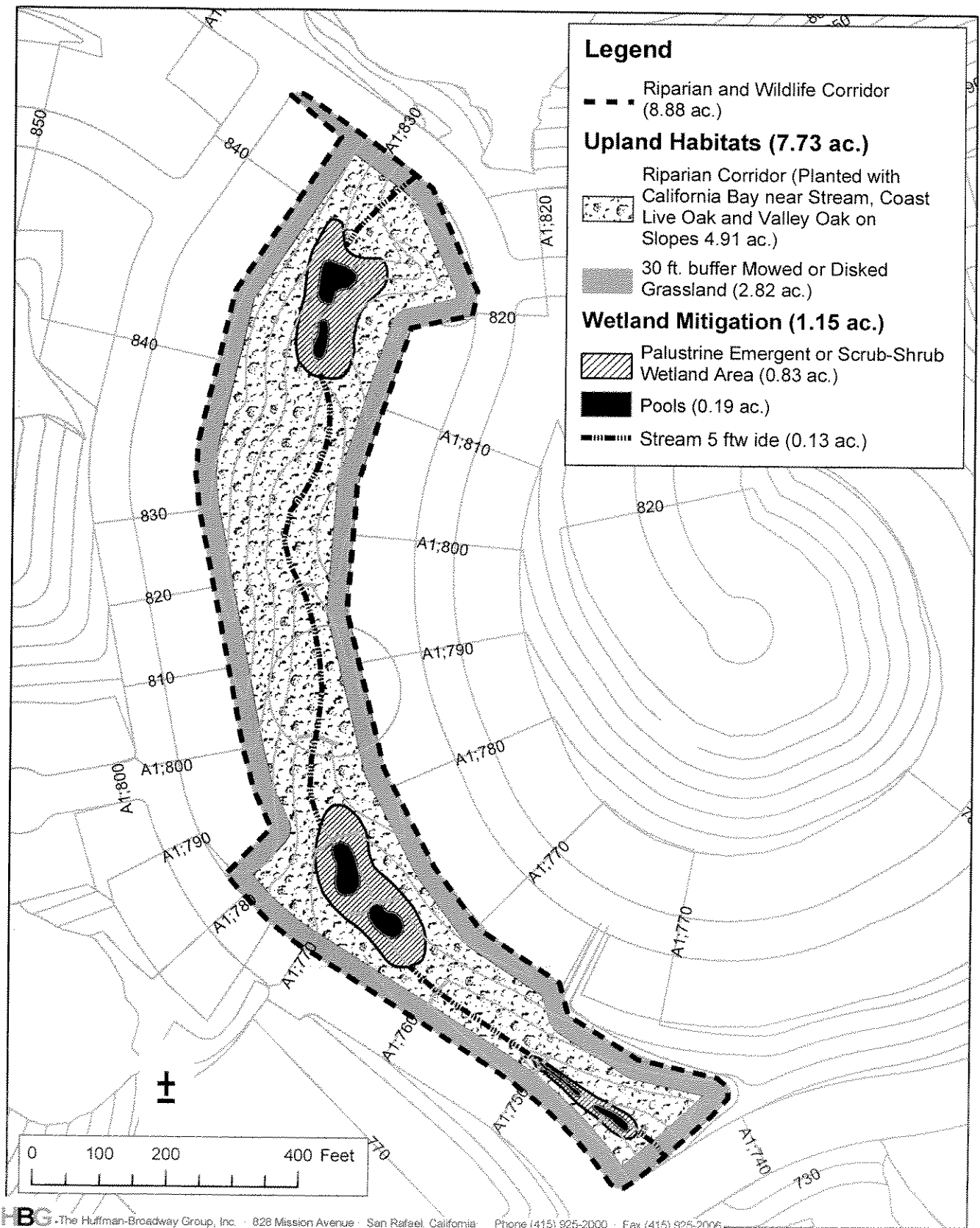


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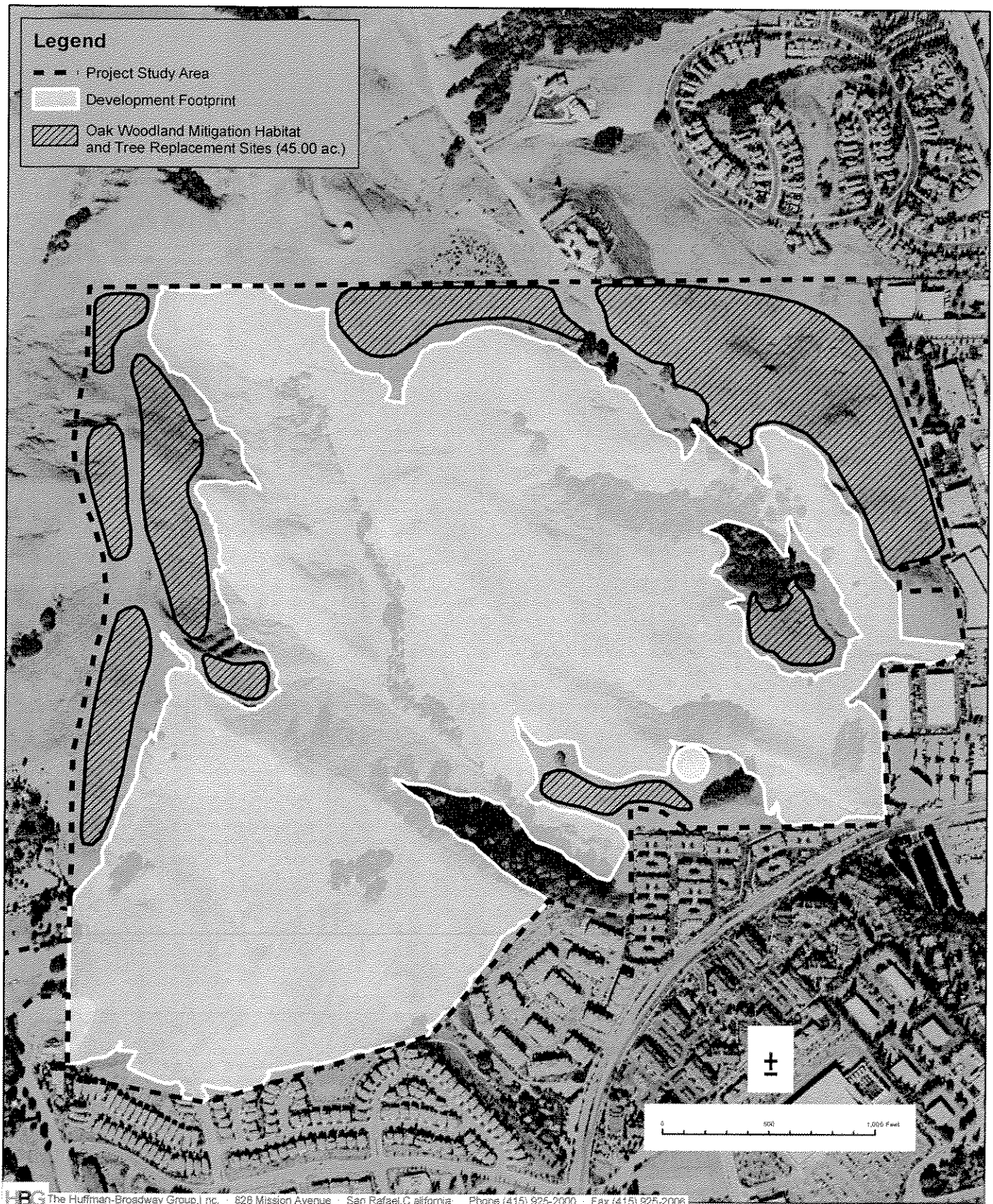


**Figure 6. Conceptual Plan for Riparian and Wildlife Corridor,**

**Faria Ranch Project, San Ramon, CA.**

Applicant: Claremont Homes, Inc.  
Type of Illustration: Plan View

Date: 11-15-05



**Figure 7.L Location of Oak Woodland Mitigation and Replacement Tree Plantings**  
**Faria Ranch Project, San Ramon, C A.**

Applicant: Claremont Homes, Inc.  
 Type of Illustration: Plan View

Date: 11-15-05